

ORDINANCE NO. 2004 - 023

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989  
COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.  
89-17, AS AMENDED; AMENDING THE TRANSPORTATION  
**ELEMENT** (TO ADD A POLICY TO DESIGNATE BOYNTON  
BEACH COMMUNITY REDEVELOPMENT AREA (CRA) AS A  
TRANSPORTATION CONCURRENCY EXCEPTION AREA (TCEA)  
IN ORDER TO FACILITATE DEVELOPMENT AND  
REDEVELOPMENT ACTIVITIES IN THE CRA) AND AMENDING  
ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL  
OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE  
PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of  
County Commissioners adopted the 1989 Comprehensive Plan by Ordinance  
No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 20 & 27 and March 12, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 28, 2004 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 19, 2004 which was the Department's written review of the proposed Comprehensive Plan amendments; and

1                   **WHEREAS**, the written comments submitted by the Department of  
2 Community Affairs contained no objections to the amendments contained  
3 in this ordinance;

4                   **WHEREAS**, on August 24, 2004 the Palm Beach County Board of County  
5 Commissioners held a public hearing to review the written comments  
6 submitted by the Department of Community Affairs and to consider  
7 adoption of the amendments; and

8                   **WHEREAS**, the Palm Beach County Board of County Commissioners has  
9 determined that the amendments comply with all requirements of the  
10 Local Government Comprehensive Planning and Land Development  
11 Regulations Act.

12                  **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

14                  **Part I. Amendments to the 1989 Comprehensive Plan**

15                  Amendments to the text of the following Element of the 1989  
16 Comprehensive Plan are hereby adopted and attached to this Ordinance  
17 in Exhibit 1:

18                  A. Transportation Element, To add a policy to designate  
19                      Boynton Beach Community Redevelopment Area (CRA) as a  
20                      Transportation Concurrency Exception Area (TCEA) in order  
21                      to facilitate development and redevelopment activities in  
22                      the CRA; and

23                  B. Amending all elements as necessary for internal  
24                      consistency.

25                  **Part II. Repeal of Laws in Conflict**

26                  All local laws and ordinances applying to the unincorporated area  
27 of Palm Beach County in conflict with any provision of this ordinance  
28 are hereby repealed to the extent of such conflict.

1                   Part III. Severability

2                 If any section, paragraph, sentence, clause, phrase, or word of  
3                 this Ordinance is for any reason held by the Court to be  
4                 unconstitutional, inoperative or void, such holding shall not affect  
5                 the remainder of this Ordinance.

6                   Part IV. Inclusion in the 1989 Comprehensive Plan

7                 The provision of this Ordinance shall become and be made a part  
8                 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
9                 Ordinance may be renumbered or relettered to accomplish such, and the  
10               word "ordinance" may be changed to "section," "article," or any other  
11               appropriate word.

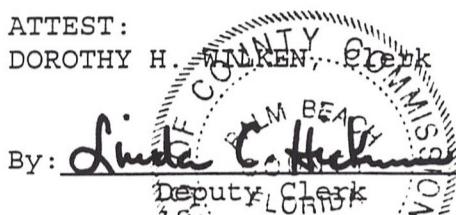
12                  Part V. Effective Date

13                 The effective date of this plan amendment shall be the date a  
14                 final order is issued by the Department of Community Affairs or  
15                 Administration Commission finding the amendment in compliance in  
16                 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is  
17                 applicable. No development orders, development permits, or land uses  
18                 dependent on this amendment may be issued or commence before it has  
19                 become effective. If a final order of noncompliance is issued by the  
20                 Administration Commission, this amendment may nevertheless be made  
21                 effective by adoption of a resolution affirming its effective status,  
22                 a copy of which resolution shall be sent to the Florida Department of  
23                 Community Affairs, Division of Community Planning, Plan Processing

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1 Team. An adopted amendment whose effective date is delayed by law  
2 shall be considered part of the adopted plan until determined to be  
3 not in compliance by final order of the Administration Commission.  
4 Then, it shall no longer be part of the adopted plan unless the local  
5 government adopts a resolution affirming its effectiveness in the  
6 manner provided by law.

7 APPROVED AND ADOPTED by the Board of County Commissioners of Palm  
8 Beach County, on the 24 day of August, 2004.

9  
10 ATTEST: PALM BEACH COUNTY, FLORIDA,  
11 DOROTHY H. WILKEN, Clerk BY ITS BOARD OF COUNTY COMMISSIONERS  
12  
13 By:   
14 Deputy Clerk  
15  
16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
17   
18 Karen T. Marcus, Chair  
19  
20 COUNTY ATTORNEY  
21  
22 Filed with the Department of State on the 30 day of  
23  
24 August, 2004.  
25  
26 T:\Planning\AMEND\04-1\admin\bccadopt\Ordinances\Boynton Beach CRA-TCEA.doc

## EXHIBIT 1

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A. **Transportation Element**, Boynton Beach CRA (CRA) Transportation Concurrency Exception Area (TCEA)

**REVISIONS:** To add Policy 1.2-u designating a part of the Boynton Beach CRA as a TCEA. The added text is shown underlined.

NEW Policy 1.2-u: The City of Boynton Beach Community Redevelopment Area (CRA) - Transportation Concurrency Exception Area (TCEA) is hereby established and designated. The boundaries of the TCEA are shown in Exhibit 4 below. The TCEA shall be limited to the maximum allowable number of units, square footage, total daily trips, and total pm peak hour trips identified in the Table TE-5 of this policy. Any project utilizing this TCEA and significantly impacting the Florida Intrastate Highway System (FIHS) shall be required to address its impacts on FIHS facilities pursuant to the ULDC.

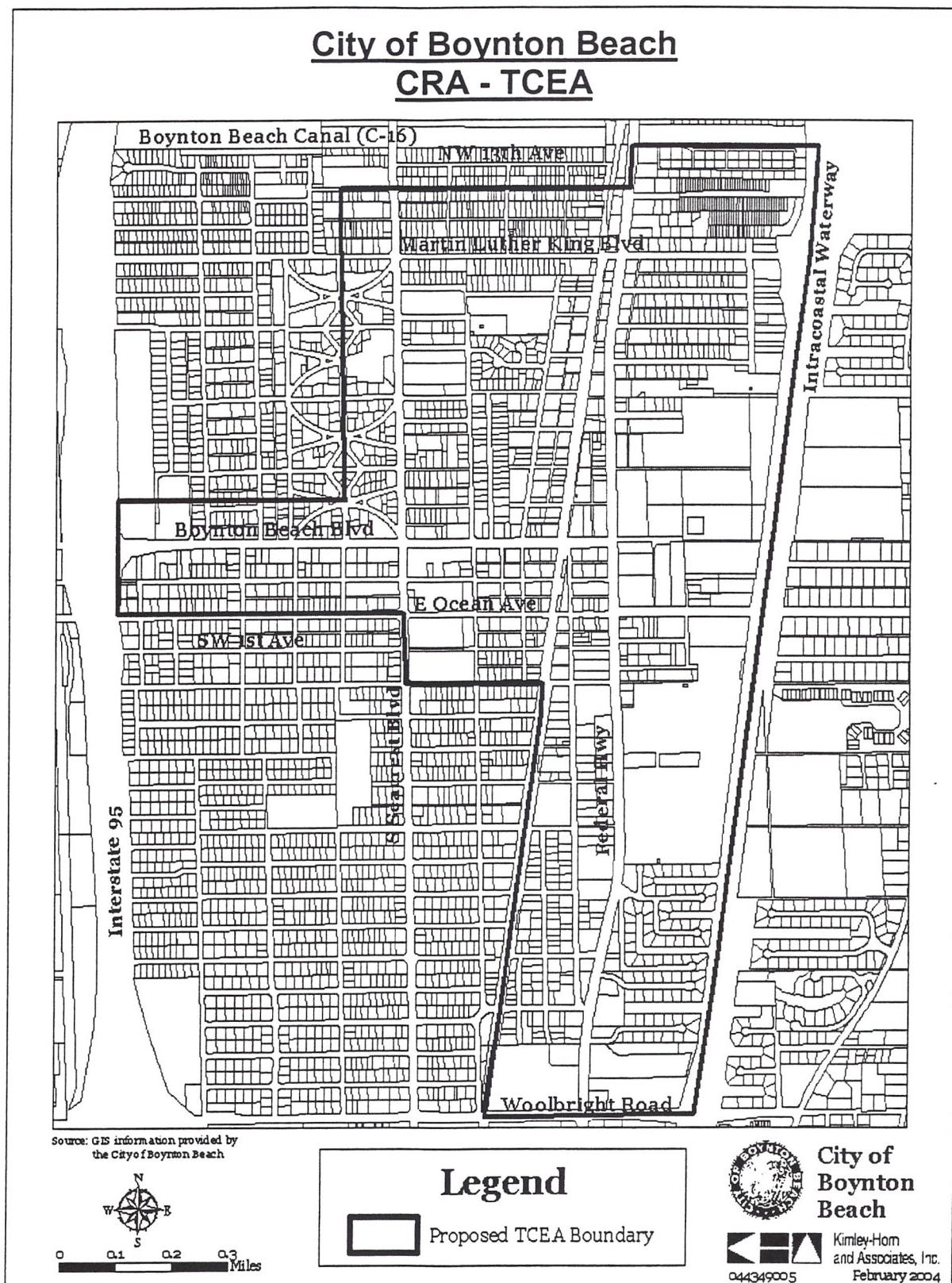
Beginning March 1, 2006, The City shall submit an annual report to the County's Planning Director to demonstrate compliance with the conditions set forth in this policy. Upon review by the Planning Director and the County Engineer, the annual report will be submitted to the Board of County Commissioners (BCC) for consideration. In the event that any of the conditions below is not met, the BCC may amend or rescind any or all of this policy. The conditions are:

1. The development approvals utilizing this TCEA shall remain at or below the maximum allowable limits for units, square footage, total daily trips, and total pm peak hour trips set by Table TE-5 of this policy. No building permits shall be issued for new development when the applicable maximum allowable limit for that development is reached.
2. Beginning with the March 1, 2007 annual report, and at the end of each reporting period thereafter, the cumulative ratio of approved residential units to 1,000 square foot approved office space shall remain between the maximum and minimum allowable ratios identified in Table TE-5.
3. Beginning with the March 1, 2007 annual report, and at the end of each reporting period thereafter, the cumulative ratio of approved residential units to 1,000 square foot approved other non-residential space shall remain between the maximum and minimum allowable ratios identified in Table TE-5.
4. The City, in coordination with the Boynton Beach CRA, shall maintain and annually update a master phasing plan and infrastructure budget and schedule that targets needed improvements within the TCEA boundaries and sets priority for funding and construction in the City's Five Year Capital Improvements Program.
5. The City shall demonstrate that it has been complying with the Policy 2.4.12 of the TCEA Justification Report dated March 5, 2003, supporting various street design features.
6. The City acknowledges that in order to provide traffic circulation and transportation infrastructure consistent with the requirements of the TCEA, it will be necessary to augment the existing local transit circulator system. By January 1, 2005, the City shall undertake a detailed transit study to develop a local transit circulator plan (complementing or augmenting the County's public transit service) for the TCEA including specific route alignments, infrastructure needs, headways, hours of operation, and other service characteristics. The City and the Boynton Beach CRA shall be responsible for funding and implementing the transit circulator plan based on the recommendations and conclusions of the study. If the detailed transit study indicates that redevelopment projects within the TCEA have not progressed enough for the necessity of implementing the transit circulator plan on or before January 1, 2007, then the City shall conduct a monitoring study for such implementation every two years. This monitoring study shall be submitted to the County Engineer and Planning Director on March 1, 2007, and every second year thereafter until the City implements the circulator plan. The County must review and approve any such monitoring study that would otherwise allow additional delay in implementing the transit circulator plan.
7. The City shall annually demonstrate hurricane shelter space availability for at least 20% of the population increase within the TCEA associated with hotel/motel and residential developments within the hurricane vulnerability zone. In the event the City is unable to satisfactorily demonstrate hurricane shelter space availability, the City shall coordinate with Palm Beach County Emergency Management and the Red Cross to provide adequate hurricane shelter space within a timely manner. The City shall also participate in a long-term, Countywide, comprehensive shelter program coordinated with public, private, non-profit organizations to ensure adequate shelter space is available for the long-term needs of the TCEA and the County.

8. The City shall annually monitor the intersection of Boynton Beach Boulevard and US-1, and coordinate with FDOT and the County to improve this intersection when necessary, and if feasible.
9. By January 2005, the City, through the CRA's Direct Incentive Program and its Affordable Access component, shall implement a program to make affordable housing available to low-to moderate income households (with incomes of 80% to 100% of median household income in Palm Beach County) in the TCEA area. The affordable units in this program must remain affordable for a minimum period of 10 years. The City shall continue implementation of the policies under Objectives 6.1, 6.3, and 6.6 of The Housing Element of the City's Comprehensive Plan to provide other programs benefiting very low, low and moderate income households. The City will also insure that 5% of new or rehabilitated housing within the TCEA area is available for occupancy by these households, with pricing consistent with SHIP guidelines, and rent levels consistent with affordable effort ratios. The City will begin the annual monitoring of the affordability of housing within the TCEA by January 2006.

The Transportation Concurrency Exception Area (TCEA) for the Boynton Beach CRA shall become effective upon the finding of compliance by the Florida Department of Community Affairs (DCA) for both the County's and the City's amendments to their respective comprehensive plans for the TCEA. Development orders issued within the TCEA area shall be consistent with this policy.

**EXHIBIT 4**



**TABLE TE-5**  
**BOYNTON BEACH CRA - TCEA**  
Monitoring Table

<b>Allowable Land Use Intensities</b>	<u>Residential Units</u>	<u>Hotel Units</u>	<u>Industrial</u>	<u>Office</u>	<u>Other Non- residential</u>
<i>Planned Land Use Totals</i>	<u>7,000</u>	<u>450</u>	<u>235,000</u>	<u>2,400,000</u>	<u>1,450,000</u>
<i>Allowable variance +/- (%)</i>	<u>15%</u>	<u>25%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>
<i>Maximum Allowable</i>	<u>8,050</u>	<u>563</u>	<u>258,500</u>	<u>2,760,000</u>	<u>1,595,000</u>
<i>Minimum Allowable</i>	<u>5,950</u>	<u>338</u>	<u>211,500</u>	<u>2,040,000</u>	<u>1,305,000</u>
<b>Allowable Vehicle Trips</b>					
		<u>Daily Traffic</u>			<u>PM Peak Hour Traffic</u>
<i>Planned Land Use Net New Trips</i>		<u>45,976</u>			<u>4,510</u>
<b>Allowable Land Use Ratios</b>		<u>Residential/ Office</u>			<u>Residential/ Other Non-Residential</u>
<i>Maximum Allowable Ratios</i>		<u>3.9</u>			<u>5.3</u>
<i>Minimum Allowable Ratios</i>		<u>2.2</u>			<u>3.2</u>

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on July 24, 2004.  
DATED at West Palm Beach, FL on 10/21/04.  
DOROTHY H. WILKEN, Clerk  
By: Diane Briley D.C.